

Recent News from Lagoon Point

Updated - January 28, 2007

Check out this new web page (January 13)

Keep up with Lagoon Point Community Association news by checking this new 'Recent News' site. We will post important news items here soon after they happen.

For easy access, add this page to your website Favorites or Bookmarks.

We will continue to publish the bi-monthly newsletter. Not all lot owners have access to the Lagoon Point website, and not all items in the newsletter will go on the website.

Questions? Suggestions? Write us at lpic@whidbey.net

Community meeting held to discuss dredging design and next steps (January 27)

We now have an initial dredging design. A community meeting was held Saturday, January 27th, to discuss the proposed design and our next big step, applying for permits. The meeting was convened jointly by the LPCA Board and the Division 2-3-4 Architectural Committee.

About 40 community members attended. This summary is prepared for all community members, especially for those who were not able to attend the meeting. The materials handed out at the meeting: the proposed dredging design, the outline of the permitting process, and the estimate of permitting costs, are available to every Lagoon Point property owner on request. For ordering information see end of this report.

Our next meeting on dredging will be on Tuesday evening, February 6th. We want to hear your views. At that meeting the Architectural Committee and LPCA Board will continue working on the dredging project. The meeting will be at the Greenbank Clubhouse, starting 6:30 PM.

Summary of January 27, 2007 community meeting

Linda Armstrong, LPCA President, opened the meeting by briefly sketching previous dredging of the waterway and recent attempts to dredge the waterway. She then introduced our two consultants who developed our initial dredge design: geologist Jim Johannessen (Coastal Geologic Services), and biologist Amy Leitman (Marine Surveys and Assessments).

The first half of the meeting was devoted to presenting the proposed initial design, and questions and answers. A map of the initial design was handed out, with a large version displayed at the front.

Our overall objective is to do a maximal permissible dredge, to stretch the years before we have to dredge again. Once we have our initial design we will need to get permission from many county, state and federal agencies. It is illegal to do the work without permits.

Our eelgrass situation: The main constraint on what dredging we can do is our extensive eelgrass. We have more eelgrass in our central waterway and in the canals than our biological consultant has seen in

comparable non-commercial projects elsewhere. Eelgrass sustains feeder fish that are important for young Chinook salmon and other juvenile water creatures. Now that Chinook are declared an endangered species we can't just dredge out the eelgrass. Several federal and state agencies must first approve our dredging plan. The agencies will limit where we may dredge and will require us to 'mitigate' any eelgrass we disturb.

Eelgrass mitigation is complicated and expensive. Existing eelgrass must first be mapped and counted. Our biological consultant and her team of divers mapped and counted ours in 2005. And any that is at risk of being destroyed in the dredging must be 'mitigated.' Eelgrass mitigation requires 'no net loss of habitat,' in other words, we have to plant eelgrass at least equal to the amount dug up. One way to mitigate is to dig up the at-risk eelgrass before dredging and transplant it to a suitable safe spot nearby. If we remove our at-risk eelgrass before we dredge we may be able to replant it one-for-one. If we dredge first, tearing out the existing eelgrass, and afterwards plant replacement eelgrass (either eelgrass rescued from the dredging or gotten from somewhere else) we may be required to plant two clumps for every one dug up. Transplanting eelgrass will be difficult because at Lagoon Point we have only limited areas that are right for eelgrass. Any way you slice it, our mitigation is going to be challenging and expensive.

Dredging how wide? How deep? To minimize eelgrass damage and mitigation, our consultants recommend we substantially limit the footprint where we dredge. Inside that footprint we would dredge as deep as is sensible from a geologic and engineering point of view, and as deep as the permitters let us. (Once you dredge at some spot the eelgrass damage there is done, so you might as well dredge deep.) By regulations we can't dredge any deeper than the depths our waterway has had in the past. (We have historic data about our past waterway depths.) And we won't be permitted to dredge any deeper than what permitters usually allow for private marina harbors like ours. In summary, the cubic yardage we dredge out is limited by our eelgrass and by the depths we would be permitted to dredge to.

The proposed design calls for dredging mainly in an area in the westerly part of the central basin, dredging that bottom down to -10 feet MLLW (Mean Lower Low Water), and also dredging the silted-up areas at the entries to the East and West Canals down to -7 MLLW. The proposed design avoids dredging at other dense eelgrass locations, and it limits the proposed depths to what we are advised the permitters will likely accept.

So, how much would we dredge out? Jim Johannessen estimates that if we dredged today to our proposed footprint and depths we'd take out around 10,400 – 11,500 cubic yards of sand and silt. But wait. It will take several years to get our permits (permitting takes a very long time), and during those years even more siltation will occur. We want to be permitted to remove also all the silt that arrives during the years that elapse as we await our permits.

Jim estimates from our historic data for the last 30 years that our siltation rate is about 1030-1100 cubic yards per year. Assuming permitting takes 3 years, we would apply now to dredge around 14-15,000 cubic yards in Year 2010.

How many years would that dredging last us? We want the dredging to serve us as long as possible. Dredging is expensive and has high fixed costs. If silt continues to arrive at about 1100 cubic feet per year, as it has done for the last 30 years, dredging out 14-15,000 cubic feet would serve us for 12-15 years, before the waterway again fills with sand to the depths we measured in 2005.

To extend the useful life of the dredge even further, the LPCA Board and Architectural Committee asked our consultants to estimate two possible extensions of the proposed dredge footprint. For each extension we asked them to estimate how many more cubic yards we could dredge and how much more eelgrass we would have to mitigate. We've made no decision yet on whether it is worthwhile to add either of these two extensions to the basic dredge plan now on the table. Because of the considerable eelgrass that each extension adds, it may not be worthwhile to dredge any wider than is initially proposed.

Other questions:

Q: Will we have to mitigate for damage to other species? A: Yes, our Biological Evaluation report has to anticipate other species too. But the latter mitigations will likely not be anywhere as difficult and expensive as the eelgrass mitigation.

Q: What can we do in this dredge to ease our work when we have to dredge again in the future? Specifically, if we mitigate now by planting eelgrass in areas where there wasn't any growing, will the presence of that eelgrass constrain a future dredge, whenever that becomes necessary. A: Yes. Once eelgrass begins to grow, it is protected, even if it was artificially introduced. But there is no way to anticipate what the silting basin will be like in 15 years, or what regulatory requirements will then be.

Q: To reduce future permitting and dredging costs, could we apply this time for permission to return and dredge a second time later on? A: Possibly Yes. The Corps of Engineers sometimes issues dredge permits that allow a second dredging of the same permitted area, five years out. This possibility needs to be explored with the Corps.

Q: Could we mitigate by planting eelgrass elsewhere on Whidbey or in other places? A: Possibly, but local mitigation is far preferred. If we can't do sufficient local mitigation we may have to look elsewhere as well.

Q: Since eelgrass transplanting is labor-intensive, could we offer volunteer labor to reduce costs? A: Yes, volunteer labor is a definite possibility.

Q: Where would we put the dredged 'spoils'? We'll have a lot to get rid of. 14,000 cubic yards is about 1400 dump truck loads. A: Our permit applications will have to specify how we propose to dispose of the dredged sand. Disposing of the spoils could be relatively inexpensive, or it could become very costly. Preliminary samples show that the spoils are probably mainly clean beach sand that current and tides have washed into the waterway. Further lab testing will be needed to confirm that there's little mud and no pollutants.

A good option would be to return that beach sand to the beach, to use the sand to rebuild the beaches that have eroded away on west-facing Oceanside properties south of the jetty channel. That stretch of beach erodes naturally and continuously. Returning the sand would give those owners back the beach they've lost over the years, in effect leaving them substantially more beach than they have now. This is called 'beach replenishment.' This is not yet a serious proposal. We first have to meet and discuss this option with the affected property owners.

At the close of our discussion of the proposed dredging design, Linda Armstrong thanked Amy Leitman and Jim Johannessen for giving up part of their family Saturdays for our community. After a brief break the meeting moved on to discussing permitting.

Permitting: After deciding the dredge design to be submitted for permitting, we want to begin applying for permits. We have sufficient funds on hand to do the permitting without a new assessment, but we need community approval to spend the money.

Linda Armstrong handed out information on permitting: the permitting agencies, their jurisdictions and their application procedures. She also provided a detailed estimate of the costs we will likely incur in permitting. The reports that sketch the permitting process and the cost estimates were prepared by our joint Dredging Committee, which has been working on our dredging plan for the Architectural Committee and LPCA Board. The cost estimates have been reviewed by the Architectural Committee and LPCA Board.

The following matters were raised in discussing the permitting process and its costs.

Q: How long will permitting take? Permitting will likely take at least two years, probably closer to three, possibly four years, according to our consultants and information we've gotten from other marine communities nearby that have recently done or are doing dredging permitting. At two of those

communities the permitting has gone over four years, but we hope that our use of professionals to guide us from the very start of our design work and from the start of our permitting will help us avoid the pitfalls of being amateurs in a professional permitting environment.

Q: How much would permitting cost us? The cost analysis by the Dredging Committee estimates total further costs of all permitting at \$140,000. The three principal costs are: technical assistance with permit agencies, continuation of biological work (especially re mitigation), and continuation of geologic work (especially dredge design modifications and spoils disposal planning). The technical assistance costs will depend on how long the permitting takes. (We budgeted four years.) The biologic and geologic costs are estimated as high as they are because we will need the consultants to help us work out with the permit agencies the difficult issues of eelgrass mitigation, maximizing cubic yards dredged, and spoils disposal.

Q: About how much will the actual dredging cost? Many in the community want to have an estimate of total future costs if they are to approve funds for permitting.

Because most factors remain unknown at this time we will be able to provide only the roughest ballpark estimate of the costs of dredging. The major costs will be the dredging itself, plus eelgrass mitigation and disposal of spoils. (There will also be smaller cost items, such as re-surveying the waterway to confirm that the intended depths were achieved.) The cost of the dredging will depend on cubic yards permitted, which is yet unknown. Mitigation costs will depend on the amount of eelgrass to be mitigated and the mitigation method(s), both yet uncertain. Spoils disposal costs could be low or distressingly high; we have no agreement as yet on how we would dispose of the spoils. All these costs depend very much on what the permitters allow us to do, and we don't that yet. These matters will come into clearer focus as we work our way through the permitting.

Even so, it would be helpful to provide the community a rough ballpark estimate of costs of the balance of the dredging project. We will try to develop that estimate in the next few weeks.

Q: How will permitting costs and dredging costs be shared between our two communities? The Architectural Committee and LPCA Board agreed some time back that the costs of permitting our joint project would be shared 50:50. This sharing is seen as fair because if either party had to dredge its own area on its own it would have to pay the full costs of permitting, regardless of the amount of silt dredged.

The costs of the actual dredging and related mitigation and spoils work will likely be distributed between the two organizations in proportion to the cubic yards dredged from the community-owned Lot C and from the private areas south of Lot C. Under the initial proposed design, just about two-thirds of the total cubic yards would come out of Lot C.

The LPCA community has made no decision as yet on how we will finally apportion among ourselves the costs of permitting and dredging our jointly-owned Lot C. The LPCA Board will address this difficult matter when we have better cost estimates, which we will get as we work our way through permitting.

Q: How can we assure that we are making good decisions on the dredging design, on our permitting, and later when we have to pick a dredge contractor? We're not marine engineers nor permitting professionals.

Our biological and geologic work and dredge designing are being done for us by the two professionals, Amy Leitman and Jim Johannessen, who attended the first half of this meeting. Both come to us with strong reputations and considerable work experience in the north Puget Sound area, both were given high marks when we visited other community marine dredging projects in our area, and both have worked on previous Lagoon Point projects and so are familiar with our waterway and our community.

In our permitting budget we are including substantial funds to hire a technical consulting firm to help us with our permitting. The technical assistance firm will help us prepare good permit applications, conduct productive discussions with the permit agencies, and prompt the agencies frequently to not delay our applications. We intend to invite proposals from several technical assistance firms experienced in Puget Sound marine projects.

Q: What is the next step to get community approval to spend existing funds for permitting? At the February 6 LPCA Board meeting, the Board and Architectural Committee will review the feedback we've received and discuss whether to send out ballots to our two communities to vote on approving \$70,000 each to pay for the permitting.

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The materials handed out at the meeting: the proposed dredging design, the outline of the permitting process, and the estimate of permitting costs, are available to Lagoon Point property owners on request. Request the materials through one of the addresses below.

Questions, comments, suggestions? We want to hear from you. Come to our meetings. If that's not practical, send in your questions, comments, suggestions, and we'll share every one of them with the LPCA Board and Architectural Committee. Send us your comments and request for the meeting handouts either by e-mail to lpic@whidbey.net, by phone (see list below) or by ordinary mail (to Dredging, LPCA, PO Box 123, Greenbank WA 98253).

Two new board members appointed (January 17)

At its January 17th 2007 meeting the board per its authorities in the bylaws appointed two community members to fill vacant board positions.

Bill Schmid, who had just been elected as Area 1 Rep, was appointed to be Assistant Treasurer. To fill the Area 1 Rep vacancy caused by Bill Schmid's shift of responsibilities, the board then appointed Bob Vierra to fill the Area 1 position. Bob had been the Area 1 Rep for the previous several years. We appreciate Bob Vierra's willingness to come out of board retirement to continue volunteering his time for our community.

Your 2007 Board members are:

President	Linda Armstrong	C 206-795-3487 at LP: 678-1425	lindaarms@earthlink.net
Vice Pres	Mike Stevens	678-3689 206-542-7139	mikestevensfrb@aol.com
Treasurer	Janet Bondelid	222-3182	jsbond@whidbey.com
Asst Treas	Bill Schmid	222-3305	schmid@whidbey.com
Secretary	Aaron Lowin	C 206-498-8090 at LP: 678-1425	alowin@earthlink.net
Asst Sec'y			
Area 1 Rep	Bob Vierra	678-6310	Use_schmid2@whidbey.com
Area 2 Rep	Page Gilbert-Baenen	222-3104	pagegb@whidbey.net
Area 3 Rep			
Area 4 Rep	Todd Brunner	425-771-5148 ext 23	todd@brunnerconstruction.com
Area 5 Rep	Tom Heerhartz	678-7787	pheer@whidbey.com
Area 6 Rep	Bill Brown	222-3178	bbrown99@whidbey.com

We have a new name: 'LPCA' (November 28, 2006)

Our community homeowners' association is now officially known as the *Lagoon Point Community Association* (LPCA). The change from our old name, Lagoon Point Improvement Club, was one of the

bylaw amendments approved by vote of the lot owners in November. The other approved bylaw amendments are mentioned later in this Recent News page.

It will take a while to get used to using the new name and initials in place of the old. The old name was in use since the organization was first formed, in 1960.

Board Votes to Return “Free” Dock - Bill Brown (January 17)

The LPCA Board has reluctantly decided to end our efforts to permit and install the Washington State Parks docks, which washed ashore last August. Although initial contacts with permitting agencies were encouraging, subsequent discussions have led the Board in January to abandon the project.

After significant planning by the Waterway Committee, a meeting was held in December with permittees Matt Kukuk (Island County Shoreline Planning) and Doug Thompson (Washington Fish and Wildlife) to identify their concerns about our converting the old Parks docks to a community dock. We presented a sketch of the proposed dock location superimposed on the eelgrass plot done for our dredging survey. The following points were raised at the meeting or in earlier discussions.

Island County comments (Matt Kukuk):

- The county would probably approve the project, with conditions.
- The application fee is \$395.00, and the turn-around is 30 to 45 days.
- After a use permit is issued, we would need a building permit. The cost of the building permit is based on the value of the completed project, which is yet to be determined.
- Mr. Kukuk felt it was essential that we get an engineering assessment of the condition of the docks and of the installation design, in particular the anchoring of the landward end of the dock extension to shore, and the need for additional pilings or other anchoring devices.
- Before we go too far we should evaluate the need and cost of modifications needed for the old found docks, also future repair and maintenance costs, as against the anticipated remaining use life of those docks. New docks could be more cost-effective.

WA State Fish and Wildlife comments (Doug Thompson):

- Mr. Thompson seemed favorably disposed to the project as sketched. He saw the logic in positioning the docks outside the existing pilings and connecting them to land along the east boat ramp. (He had previously asked that we put the docks inside the pilings and that we not go all the way to shore with floating structures.)
- Since the docks are not now permitted, keeping them in the water is illegal. If not permitted by March 15, Wa F&W's start date for the salmon migration season, Wa F&W will want them removed from the water.
- Federal agencies will need to sign off. The Army Corps of Engineers is the coordinating agency for that. These agencies are basically all the same as we will need to touch for the dredging project.
- Any resulting permit will specify physical details of the dock and installation, and may involve significant expense to comply. The Corps may or may not require light grates and bumper strips. The Corps may have an earlier date for removing the docks from the water.

Conclusions:

- We would need to start spending LPCA money now if we are to continue the project.
- The total cost of the project is speculative and highly dependent on future decisions by regulatory agencies.
- To avoid fines the docks would have to be hauled out soon. The permits cannot be that quickly issued.
- Once we haul the docks from the water we own them. It would be difficult to get the state to take them back.

- There is no such thing as a free dock.

A community dock would still be a desirable addition to our waterway, for fishing and temporary boat tie-up. If you would like the Board to explore alternative approaches to such a project, contact your area rep.